

Jose R. Garay, State Bar No. 200494
 Jose Garay, A LAW CORPORATION
 2030 Main Street, Thirteenth Floor
 Irvine, CA 92614
 Telephone: 949-260-9193/Facsimile: 949-260-9194

Roger R. Carter, State Bar No. 140196
 THE CARTER LAW FIRM
 2030 Main Street, Thirteenth Floor
 Irvine, CA 92614
 Telephone: 949-260-4737/Facsimile: 949-260-4754

Attorneys for Plaintiff

Susan H. Roos, State Bar No. 107278
 Kent J. Sprinkle, State Bar No. 226971
 COOK & ROOS, LLP
 221 Main Street, Suite 1600
 San Francisco, CA 94105
 Telephone: 415-362-7071/Facsimile: 415-362-7073

Attorneys for Defendant, Service America Courier Corporation

John E. Lattin, IV, State Bar No. 167876
 Christopher J. Boman, State Bar No. 198798
 FISHER & PHILLIPS LLP
 18400 Von Karman Avenue, Suite 400
 Irvine, CA 92612
 Telephone: 949-851-2424/Facsimile: 949-851-0152

Attorneys for Defendants, Airborne Express, Inc. and DHL Express (USA) Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JUVENAL RIOS, et al.

Plaintiffs,

v.

AIRBORNE EXPRESS, INC., a Delaware
 corporation, SERVICE AMERICA COURIER
 CORP., a Florida Corporation, and DOES 1
 through 500, inclusive

Defendants.

) Case No.: C05-02092 VRW
) (Related Case: C05-02203 VRW)

) **STIPULATION AND JOINT REQUEST**
) **FOR EXTENSION OF TIME TO**
) **COMPLETE ENDE AND FOR**
) **CONTINUANCE OF CASE**
) **MANAGEMENT CONFERENCE;**
) **[PROPOSED] ORDER GRANTING**
) **REQUEST**

) Courtroom: 6, Honorable Vaughn R. Walker
) Trial Date: None Set

1 THE PARTIES, BY AND THROUGH THEIR ATTORNEYS OF RECORD,
2 STIPULATE TO THE FOLLOWING, AND REQUEST THAT THE COURT ADOPT IT AS
3 AN ORDER:

4 The parties hereby request that the Court grant an extension of time for the parties to
5 complete the Early Neutral Evaluation ("ENE") session in this matter, and in Related Case No.
6 C-05-02203. The parties make this joint request for the following reasons:

7 The parties have complied with the Court's Minute Order following the October 11,
8 2005 Case Management Conference and have scheduled an ENE session before Evaluator
9 Charles Farnsworth, Esq. pursuant to the Court's instructions and in advance of the deadlines set
10 forth in ADR Local Rule 5-4 and 5-5. However, the parties have been engaged in productive
11 settlement negotiations during recent weeks and such efforts are continuing. In light of these
12 developments, the parties request an extension of time to complete the ENE session to allow for
13 continued settlement negotiations and in hopes of reaching a settlement before such a session
14 and any further litigation is needed. All parties concur in this request. The Evaluator is not
15 opposed to the extension of time and has already provided the parties with other available dates
16 should a settlement not be reached. In order to allow the parties an opportunity to continue to
17 work toward a possible settlement in this matter before incurring further litigation costs, the
18 parties hereby request that they be permitted until February 28, 2006 to complete the ENE
19 session, if necessary.

20 The parties further request that the Court grant a continuance of the next case
21 management conference before this Court, presently scheduled for January 31, 2006, for a date
22 later than February 28, 2006 to allow the parties to complete the ENE session in advance of the
23 case management conference. All parties concur in this request.

24 ///

25 ///

26 ///

27 ///

28 ///

1 SO STIPULATED.

2 Dated: _____.

3 JOSE GARAY, APLC
4 THE CARTER LAW FIRM

5
6 By: _____
7 Jose Garay
8 Attorneys for Plaintiff

9 Dated: 12/15/05.

10 COOK & ROOS LLP

11 By:  _____
12 Susan H. Roos
13 Kent J. Sprinkle
14 Attorneys for Defendant Service America Corp.

15 Dated: _____.

16 FISHER & PHILLIPS LLP

17
18 By: _____
19 John E. Lattin, IV
20 Christopher J. Boman
21 Attorneys for Defendant Airborne Express, Inc.

1 SO STIPULATED.

2 Dated: _____

3 JOSE GARAY, APLC
4 THE CARTER LAW FIRM

5
6 By: _____
7 Jose Garay
8 Attorneys for Plaintiff

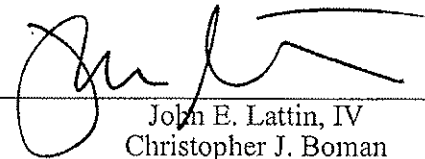
9 Dated: _____

10 COOK & ROOS LLP

11
12 By: _____
13 Susan H. Roos
14 Kent J. Sprinkle
15 Attorneys for Defendant Service America Corp.

16 Dated: 12/5/05

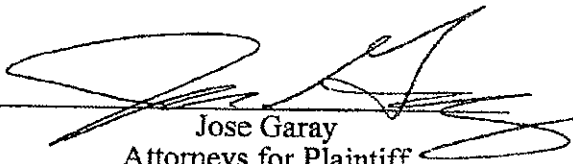
17 FISHER & PHILLIPS LLP

18
19 By:  _____
20 John E. Lattin, IV
21 Christopher J. Boman
22 Attorneys for Defendant Airborne Express, Inc.

1 SO STIPULATED.

2 Dated: 12/15/05.

3 JOSE GARAY, APLC
4 THE CARTER LAW FIRM

5
6 By: 
7 Jose Garay
Attorneys for Plaintiff

8 Dated: _____.

9
10 COOK & ROOS LLP

11
12 By: _____
13 Susan H. Roos
14 Kent J. Sprinkle
Attorneys for Defendant Service America Corp.

15 Dated: _____.

16 FISHER & PHILLIPS LLP

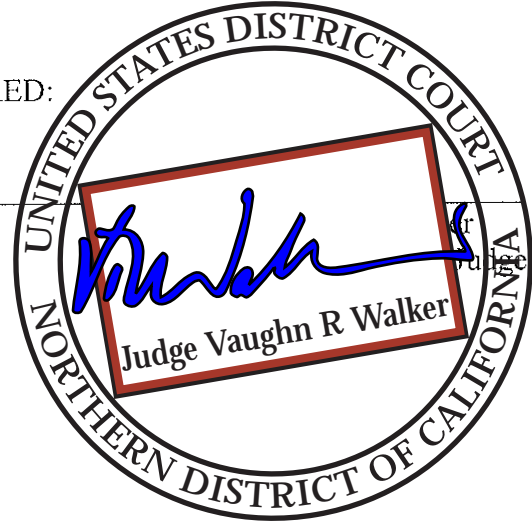
17
18
19 By: _____
20 John E. Lattin, IV
21 Christopher J. Boman
Attorneys for Defendant Airborne Express, Inc.

COURT ORDER

GOOD CAUSE APPEARING, THE PARTIES' REQUEST IS GRANTED. THE PARTIES HAVE UNTIL FEBRUARY 28, 2006 TO COMPLETE THE ENE SESSION AND THE CASE MANAGEMENT CONFERENCE SCHEDULED FOR JANUARY 31, 2006 IS HEREBY RESCHEDULED FOR April 4, 2006 at 9:00 am 2006.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: December 27, 2005



P121405 Stip&Order ENE.doc (Rios I)

Case Name: Juvenal Rios, et al. v. Airborne Express, Inc., et al.
 Case No: C05-02092 VRW

PROOF OF SERVICE BY FACSIMILE AND U.S. MAIL

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of 18, and not a party to the action. I am employed in the City and County of San Francisco, State of California, in which county the within-mentioned mailing occurred. My business address is that of Cook & Roos LLP, 221 Main Street, Suite 1600, San Francisco, California 94105. I am readily familiar with the business practices of Cook & Roos LLP for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence will be deposited with the United States Postal Service on the same day it is collected and processed by Cook & Roos LLP in the ordinary course of business.

On December 15, 2005, at the offices of Cook & Roos LLP, 221 Main Street, Suite 1600, San Francisco, California 94105, I served the following document(s):

**STIPULATION AND JOINT REQUEST FOR EXTENSION OF TIME TO
 COMPLETE ENE AND FOR CONTINUANCE OF CASE MANAGEMENT
 CONFERENCE [PROPOSED] ORDER GRANTING REQUEST**

by facsimile transmission and by placing a true copy thereof in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Charles E. Farnsworth
 Law Offices of Charles E. Farnsworth
 7677 Oakport Street, Suite 565
 Oakland, CA 94621
 Facsimile: 510-635-1516

and by sealing the envelopes and placing them for collection and mailing with postage thereon fully prepaid in accordance with the ordinary business practices of Cook & Roos LLP.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 15, 2005, at San Francisco, California.


 Sandra Savage

posfax&mail.wpd